

("Barakat"). In light of the remarks stated herein, the undersigned representative respectfully traverses the rejections stated above.

Rejection of Claims 1-3, 5-12, and 23 Under the Combination of Kitahara, Furuhashi and Taylor

As is clearly set forth in independent claims 1 and 23, each of these claims recites, among other things, a first, second, and third memory as well as a first, second, and third read/write component. Further, claims 1 and 23 include specific functions that are performed by and between these memories and read/write components, as set forth in the claims. For example, the functional limitations recited in the claims, include, among other limitations, providing selectable functions, receiving a first and selected functions, transporting and positioning the multi-memory card to the required first, second or third read/write component according to the first and second selected function, and reading from or writing to the first, second, or third memory according to the first and second selected functions. There is no single reference or combination of references that teaches or suggests the combination of limitations recited in independent claims 1 and 23.

In order to establish a *prima facie* case of non-obviousness as is required to support a rejection of the claims under 35 U.S.C. § 103, the Office must meet the following three requirements: (1) suggestion or motivation to modify the reference or to combine the reference teachings; (2) a reasonable expectation of success; and (3) the prior art reference or references must teach or suggest all of the claim limitations. See MPEP §2142 (emphasis added.)

Kitahara

Kitahara discloses only two memories and only two recording/reading apparatuses. Kitahara is directed solely to the mechanical functioning of a hybrid card reader. As is admitted

by the Office, “[I]t is not specified [in Kitahara], however, the card having a third memory, the device employing a third read/write component for reading said memory.” (Non-Final Office Action, Page 3). The Office further argues,

Kitahara states that the card may also employ a magnetic memory area, in which a read/write head would be present in place of the optical head 29 (see Kitahara, col. 10, lines 5-11). This depicts that the device of Kitahara may also contain mechanical means of reading/writing to the magnetic stripe on the card.

(Non-Final Office Action, Page 3). This statement is simply not true. Replacing is the opposite of adding. In fact, Kitahara teaches away from the addition of either a third memory or a third read/write component, stating,

[w]hile in the above embodiment, the hybrid card 1 having the optical recording area 1A and IC chip 1B has been explained, the information recording and reproducing apparatus may be applied to a hybrid card combining a magnetic recording area and an IC chip. In this case, a magnetic head **is provided in place of the optical head 29** shown in FIGS. 1 and 3.

Column 10, ll. 5-11.

Further, the Office acknowledges that Kitahara fails to teach or suggest the functional limitations recited in the claims, stating,

Kitahara fails to detail the method of reading the card as being in a financial capacity, specifically providing selectable functions to the cardholding user between readings/writings of the memory areas, the functions affecting an account held by the user, and displaying results of the selected functions.

(Non-Final Office Action, Page 4). Thus, Kithara does not teach or suggest the limitations of independent claims 1 and 23.

Furuhashi

The Office cites Furuhashi and Taylor in order to remedy the deficiencies of Kitahara. Furuhashi, while describing an IC chip, an optical recording medium, and a magnetic stripe on a

single card, does not describe a device for containing first, second, and third read/write components for reading from/writing to such memories. Furuhashi does not teach or suggest a multiple memory card that is used and transported according to user instructions between first, second, and third read/write components as set forth in independent claims 1 and 23. With regard to Furuhashi, the Office states,

During use by a cardholder, the card's memories are read and written to by interface between the holder and a payee entry device. The device contains a display 143, input means 141, and an apparatus 145 for reading and writing to the memory(s) of the card (figures 13 and 14).

(Non-Final Office Action, Page 3). Again, this statement represents a serious misreading of the reference. At most, Furuhashi discloses a device that reads from a first memory and writes to a second memory. In fact, Furuhashi states clearly and unequivocally on numerous occasions that the payee entry device ONLY writes to a single memory. For example:

This payee entry device, as will be described hereinafter, **only performs writing into the payee information area 119 of the optical storage section 111** of the electronic bankbook, and since it unequivocally **does not perform writing** into the information areas which exert influence upon other bank transactions; therefore even if the customer uses it freely, no hindrance to bank transactions ever occurs, and accordingly it can exist quite independently of the bank computer system, and it is not necessary for it to be connected to any bank host computer like an ATM via any. (Col. 16, ll. 14-24) (emphasis added).

It should be noted that the **payee entry device is programmed so as not to write any information in areas other than the payee information area 119 of the optical storage section 111**. (Col. 17, ll. 59-62) (emphasis added).

While the payee entry device may read information from an IC memory and write information to an optical storage memory, Furuhashi does not teach or suggest a method or system for reading from/writing to three separate memories with a device having three separate read/write devices.

Neither Kithara nor Furuhashi, either separately or in combination, teach or suggest a device that is capable of reading from/writing to three separate memories.

Further, like Kitahara, Furuhashi fails to teach or suggest the functional limitations recited in the claims, such as, providing selectable functions, receiving a first and selected functions, transporting the multi-memory card to the required first, second or third read/write component according to the first and second selected function, and reading from or writing to the first, second, or third memory according to the first and second selected functions.

Consequently, neither Kithara nor Furuhashi, either separately or in combination, teach or suggest the limitations of independent claims 1 and 23.

Taylor

Finally, Taylor also fails to remedy the deficiencies of Kitahara and Furuhashi. Taylor discloses a card having at most two memories. Taylor discloses using a single card reader/writer having separate read/write areas for reading/writing to one of the two memories, as shown in Figure 4. Consequently, Taylor does not provide for the limitation of a third memory read/write component in addition to a first and second read/write component in a system for reading from/writing two a first, second and third memory.

Further, while the various reading/writing functions are presented to a user for selection for determining action on a single memory by a single read/write component, at no point does Taylor teach or suggest the following limitations of claims 1 and 23 wherein a user instructs a first read/write component to perform an action on a first memory of a tri-memory card, the user is presented with selectable options, upon which selection of an option results in the transporting of the tri-memory card to a second read/write component to perform an action on a second

memory of the tri-memory card. The card read/write components of Taylor are only available to read/write to a single type of memory and there is no teaching or suggesting of on-line transport between multiple read/write components pursuant to user selected functions.

At most, the combination of Kitahara, Furuhashi, and Taylor discloses a system and method for reading from/writing to two memories using a device having two read/write components. Independent claims 1 and 23 require reading from/writing to three memories using a device having three read/write components. Consequently, neither Kitahara, Furuhashi, nor Taylor, either alone or in combination, teach or suggest all of the claim limitations as is required to establish a *prima facie* case of unpatentability.

Rejection of Claims 13 and 15-22 Under the Combination of Kitahara, Furuhashi and Barakat

As set forth above with regard to independent claims 1 and 23, the combination of Kitahara and Furuhashi simply does not teach or suggest a system for reading a multi-memory card having a read/write device including a magnetic read/write component, an optical read/write component, and an electronic read/write component for reading from or writing to a magnetic memory, an optical memory and an electronic memory of the multi-memory card as is required by independent claim 13. Additionally, Barakat does not remedy the deficiencies of Kitahara and Furuhashi as Barakat teaches and suggests the reading and authentication of only a single electronic memory. Consequently, neither Kitahara, Furuhashi, nor Barakat, either alone or in combination, teach or suggest all of the claim limitations of independent claim 13 as is required to establish a *prima facie* case of unpatentability.

CONCLUSION

The undersigned representative respectfully submits that the claims presented herein are in condition for allowance in view of the cited prior art and earnestly request a notice of allowance to that effect. Should there be any further issues regarding prosecution of this case, please do not hesitate to contact the undersigned at the number provided below.

Respectfully submitted,

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Dawn-Marie Bey

Dawn-Marie Bey
Registration No. 44,442

KILPATRICK STOCKTON LLP
607 14th Street
Suite 900
Washington DC 20005
(202) 508-5800